THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.19862 OF 2000

ORAL ORDER:

This writ petition is filed by the Kurnool Pattana Swarnakara Sangham assailing the enquiry initiated by the 2nd respondent-Revenue Divisional Officer, Kurnool, on a complaint received from the 3rd respondent alleging misappropriation of public funds by the President of the petitioner-Sangham.

I have heard the learned counsel for the petitioner.

The material on record shows that the 3rd respondent had earlier filed O.S.No.289 of 2000 in the Court of the Junior Civil Judge, Kurnool, against the petitioner-sangham seeking a declaration that he is entitled for allotment of a shop in Kurnool Pattanna Swarnakara Shopping Complex, which was constructed near old Bus Stand. The suit is being contested by the petitioner-sangham. That apart, the 3rd respondent also filed W.P.No.15486 of 2000 making certain allegations in the functioning of the petitioner-Sangham. The said writ petition was dismissed by this Court at the stage of admission by order dated 23.8.2000 observing that the writ petition was misconceived, and nothing but abuse of process of law. Subsequently, it appears that a complaint was made by the 3rd respondent before the 2nd respondent alleging misappropriation of public funds by the President of the petitioner-sangham and, on the basis of the same, the impugned notice dated 5.9.2000 was issued by the 2nd respondent directing the President of the petitioner-sangham to appear on 25.9.2000 along with copies of allotment orders of the shops to the beneficiaries as well as the accounts maintained.

It is primarily contended by the petitioner that the petitioner-sangham being a Society registered under the Societies Registration Act, 1860 (for short, 'the Act'), even assuming that there are any

disputes among the members of the Sangham, the only remedy available is to file a civil suit before competent civil Court and the Revenue Divisional Officer has no jurisdiction to initiate any proceedings.

Though *Rule nisi* was ordered by this Court on 20.10.2000, no counter-affidavit is filed by any of the respondents.

Having heard the learned counsel for the petitioner and having regard to the provisions of the Act, particularly Section 13 of the Act, which provides that in the event of any dispute arising among the governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district. I find force in the submission of the learned counsel for the petitioner that the impugned notice issued by the 2nd respondent is without jurisdiction.

It is also relevant to note that the impugned notice has been stayed by this Court on 20.10.2000 in W.P.M.P.No.25178 of 2000 and the same has been in operation althrough.

Having regard to the facts and circumstances of the case, the impugned notice is hereby set aside, leaving it open to the 3rd respondent to work out the appropriate remedy as available under law for redressal of his grievance, if any.

The writ petition is accordingly disposed of. No costs.

24.10.2007.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.19862 OF 2000

24th October, 2007.

Between:

The Kurnool Pattana Swarnakara Sangham, Kurnool,
Represented by its President G. Abdul Shukur. .. Petitioner.

And

The District Collector, Kurnool and others. .. Respondents.